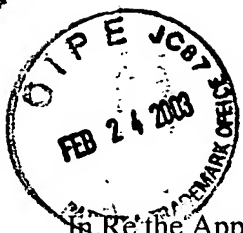


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3/2/03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: the Application of:

GUO ET AL.

Serial No.: 10/053,934

Filed: 1/22/2002

Confirmation No.: 4865

Atty. File No.: 3123-412 (16420-02073)

For: "VIBRATION-DAMPED PUSH-PIN
ASSEMBLY FOR DISK DRIVE SERVO
WRITING"

) Group Art Unit: 3683
)
) Examiner: M. Burch
)
) RESPONSE TO REQUEST FOR ELECTION
)

| |
|---|
| <p>CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 ON <u>2/13/03</u>.</p> <p>MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY: <u>Ruth E. Ostgulen</u></p> |
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FEB 26 2003

GROUP 3600

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In an Office Action dated 1/14/2003 (Paper No. 4), the Examiner issued a Request for Election with regard to the above-identified patent application. Generally, the Examiner indicated that the above-noted patent application has claims directed to a number of patentably distinct species, namely Species 1 according to Figures 1-3, Species 2 according to Figure 4, Species 3 according to Figures 6A-C 7, Species 4 according to Figures 8A-B, Species 5 according to Figure 9, and Species 6 according to Figures 10-11D. Applicant hereby provisionally elects with traverse to prosecute claims readable on Species 6 (according to Figures 10-11D) in this patent application. Claims readable on Species 6 include Claims 1-27, 32-45, 47-49, 53-55 and 59-61.

Applicant respectfully requests that the Examiner reconsider examining all of the originally filed 68 claims in this application. Initially, all of the claims are directed to a push-pin assembly for a disk drive servo writer. It would seem that this is a relatively narrow field in relation to most cases that are filed with the Patent Office. In addition, it is quite likely that there are a relatively limited

number of patents that the Examiner would have to consider in examining all of the originally filed claims. Search strategies could likely be developed by the Examiner for purposes of examination that would be applicable to evaluating multiple species that are disclosed in the subject patent application and that are covered by one or more of the pending claims. Finally, only 5 of the 6 species identified by the Examiner are the subject of one or more claims (Species 2-6). The species of Figures 1-3 does not address the structure of a push-pin assembly that is the subject of any of the originally filed claims. The push-pin assemblies of Figures 4-10 each have a contact pin having a shaft that is disposed within a body, where at least one vibration damper is disposed between at least part of the contact pin shaft and at least part of the body. Based upon this commonality, the number of species that Applicant is requesting the Examiner to consider examining in this application does not seem unreasonable.

Based upon the foregoing, Applicant respectfully requests that the Examiner withdraw the outstanding requirement to elect a single species, and proceed with the examination of all 68 of the originally filed claims. Applicant would request that any maintenance of the species restriction by the Examiner in the next communication be accompanied by a recitation of the Examiner's position under MPEP §803 in order to allow Applicant to specifically address this position.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

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Date: 2/13/03